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International Court of Justice

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2 July, 1946
Kesselring.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OR ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 July, 1946.

COMMISSIONER:

Mr. McIlwraith.

THE GENERAL STAFF.

(THE COMMISSION CONVENED AT 1500 HOURS.)

FIELD MARSHALL ALBERT KESSELRING, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q What is your name?

A Albert Kesselring.
Q You may sit down.

DR. LATERNSER, General Staff of the O.K.W.: I want to ask the witness, Field Marshall Kesselring, concerning the following:

(1) Duties, goals and position of the military leaders.

(2) Rearmament of the Air Corps.

(3) No unified plan to participate in criminal action and no participation in any criminal action according to Article 6 of the statutes, and

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(4) No Criminal actions.

MR. MCILWRAITH: Dr. Laternser, you understand that you may not cover any ground that has been covered by the Tribunal?

DR. LATERNSER: Certainly, yes. Inasmuch as some of these answers must be supplimented, I must ask certain questions and that is the main reason for this Commission.

MR. MCILWRAITH: The commission is not to be used to suppliment answers given to the Tribunal. This commission is to be used to bring out evidence on points not raised before the Tribunal. You understand that?

DR. LATERNSER: Certainly, I understand, however, there has to be a difference for inasmuch as the last time the witness was questioned as a witness, now he is questioned as a member of one of the criminal organizations.

MR. MCILWRAITH: He is still a witness.

DR. KEMPNER: May I say that he was also cross examined by Dr. Laternser as a member of this organization, according to the record?

MR. MCILWRAITH: Let us continue and I will stop you if you ask questions on any matters that have been covered by the Tribunal.

BY DR. LATERNSER:

Q Field Marshall, when were you born?

A November 30, 1885.

Q What important positions did you hold in the German Army?

A I was troop commander 1-A in the General Staff on the staff of the chief of the army leadership within the air administration. I was chief of the General Staff of the Air Corps; Commanding General of the Air Corps; Chief of Air Fleets 1 and 2; Commander in Chief - Southwest; Commander in Chief - West and Commander in Chief.

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Q For several years you were associated with General Von Seckt?

A As 1-A of the Chief of Staff.

Q What was the attitude of General Von Seckt to the Versailles treaty?

A He opposed the heavy burdens placed upon Germany by this treaty, however, he saw to it that the agreements of this treaty were carried out by his units. It may be that General Von Seckt did ask for some measures to be carried out by the Government which might have exceeded the limitations of the Versailles treaty. The measures were an absolute necessity insofar as the defense of the country was concerned and they were agreed upon by the Government as necessary due to the fact that the enemy nations had not carried out all the provisions of the Versailles Treaty.

DR. KEMPNER: This has been covered by the court, later by Generals Von Rundstedt, Rhinehart and Von Leib. I regard it as culmative.

MR. MCILWRAITH: I think so too Dr. Laternser as no new points are being brought out.

BY DR. LATERNSER:

Q Did the army through the Air Corps, the representative of which you are here, go over the limitations and agreements of the Versailles Treaty.

A In certain points, yes.

MR. MCILWRAITH: I meant for you to leave the Versailles Treaty, as that has been covered.

DR. LATERNSER: I am sorry I cannot agree to this objection. The previous witnesses were asked from the point of view of the army as they

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were army leaders, but this witness will be asked concerning the rearmament of the Air Corps and whether this rearmament was against the agreements of the Versailles Treaty. This objection has been raised by the prosecution and therefore I should have the privilege to give my point of view concerning this objection and this is the very last chance. However, I will be very glad to cease questioning on this point if the prosecution will state that it will not use this matter and will not have these accusations brought up.

MR. MCILWRAITH: Of course, the prosecution will not do that. My point is that the matter which you are bringng up in this commission has already been covered. I am willing to share any arguments you may have to the contrary.

DR. LATERNSER: In other words, may I continue on this thought?

MR. MCILWRAITH: You have told me that you disagreed that it was not covered and I would like to know if the prosecution will agree with your disagreement.

DR. KEMPNER: I think this field was covered at various times and it might be that there are some points that are still missing, but the prosecution is only interested in the new points and not in a repetition of the old points. That is all I ask.

BY DR. LATERNSER:

Q Please answer my question.

A In 1923-24 the air force was attached to the troop office and the weapon office and it was a technical branch of the weapons office.

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There were theories studied, some construction was made and some people were trained as pilots. These duties were carried out within the country as well as in foreign countries.

Q You spoke just now of foreign countries, what countries?

A For instance, even though there was opposition, we worked together with the Russians insofar as air matters were concerned. That was done in Lipps. There were some pieces constructed in Lipps and some planes which were bought in foreign countries were stocked there and were used to train some of our young men in the art of flying.

Q In 1930 the first mobilization or preparatory work was done. What kind of measures were they insofar as the air corps was concerned.

A The idea is wrong. At that time there was no air corps, there were only very old anti-aircraft battalions available, which were not sufficient for the three ton increase of the divisions. There were no plans whatsoever available even though they could be used for reconnaissance work.

Q The prosecution claims that the change of the army to a people's army was one of the first preparatory steps in an aggressive idea. What do you say about that?

A This professional army, which was created due to the Versailles Treaty, was strange to the German people. We, the soldiers, attempted to get everything we could out of the Reichsfuehrer. We found out, especially through the investigation of General Seekt, that neither the personnel nor the material available within the Reich was sufficient for even the smallest necessity. We also found out that it could not take care of the situation until the

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League of Nations could participate in the matter. Due to the fact that the Versailles Treaty prohibited the forming of a reserve troop, it was not possible to have the necessary reserve in the Reich. The transformation of a professional army to a people's army was justified for that reason in my opinion.

DR. LATERNSER: For a very short time it is necessary that I be down stairs in the main section.

MR. MCILWRAITH: We will have a recess for ten minutes.

(THE COMMISSION RECESSED AT 1530 HOURS.)

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Q Did you answer the previous question?

A I just want to finish it. None of the soldiers saw in this transformation people armed as a step towards an aggressive war, but rather we saw in it a step towards equality of the Germah Reich to the other nations. Of course, since we were professional officers with a tradition, we did like thisstep very much

DR. KEMPNER: Mr Commissioner, this is a prefect example of the thing I objected against very strongly, and he does it again. Literally, word for word from the witness like similar testimony, why was it with this army,and this army,and what its feeling was, and it is not along the standpoint of testimony,but they are purely political statements, that is all.

DR. LATERNSNER: The witness has already finished with this question. In the speech of the prosecution by Justice Jackson, among other things mentioned was the National Socialistic air corpsg, or the flyers corpsg, in which he was a party or organization which trained men in their using of weapons,and which did not wear its name without justification.

BY DR LATERNSNER:

Q Now I wish that you would make a very short statement as to whether this is correct, or not?

A First of all a National Socialistic Flyer Corps was not a party organization, but according to its charter itwas an association according to the public right. Thisassociation was under the direct jurisdiction of the Chief of the Civil Office of the airforce,and under the direct jurisdiction of the Reichs Ministry of Air, and, I am quite sure we can shorten my answers by saying that any foreign flyers that ever participated in any

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flying events in Germany can testify that all sports were carried out in its place properly. Besides these glider flyers, some were also interested in the construction of these model planes,and a few already participated in actual pilot training,the training of pilots which, however, was considerdd at that time a connection between nations. One of the biggest members supported this flying construction,and was the Aero organization,which agreed that it was a connection point between nations,and that was proven to me by the various military attachees there of the foreign nations, which aided very much whenever I talked to them. I want to repeat that the members of the National Socialistic flyer groups was not trained in a military sense,and they were not trained by any of us.

Q One further point of the prosecution is that the general staff as it has been designated by the Allies, was the leading authority within Germany, and that it had a great deal of interest upon the people, in fact, that it moved the people. Is that correct?

A I as a non-member of the general staff do want to point out the work done by the general offices,that is quietly done in work tasks or maneuver fields away from the public eye; I don't know of any time when the old leaders and general staff officers had any authority outside of the Army. However, it is true that we were regarded highly by the people there.

MR MCILWRAITH: Doctor, at this time this is very like the examination which you made of the witness before the Tribunal, which is recorded on page 5736 and the following pages in the British transcript.

DR. LATERNSER: Mr Commissioner, I know I have never asked this question ofany witness, sofar as I remember.

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MR MCILWRAITH: It is exactly the question you asked of which I have before me,but continue.

BY DR. LATERNSER:

Q Continue?

A The quiet work done by these staff officers in opposition to the statements of the prosecution,and the general staff knew officers could not have any special interest in a country where the current leaders are very popular, especially in the Third Reich when the propaganda was in the hands of the Party. This was noted in foreign countries where the leading form of personnel was very infrequently mentioned in the press and on the radio. It is something that surprised the foreign nations,and that that should be the best proof to the contrary. I want also to state that the general staff in the last 150 years, ever since Schanhorst has only worked on the soldiers for the purpose of qualifying the soldier,and only on this point has it made that a qualification. Through the specialization within our own workwe became more or less technicians in our duties, orfor our work. We members of the general staff were proud that we became technicians of our occupation. I am sure that is the same way in all other nations as to the difference between a soldier and a politician, and as great a difference as between fire and water, and that old statement,that a soldier is not a soldier any more when he starts concerning himself with politics.

Q You are ready to make a statement, or statements, concerning the kind of re-armaments within the airforce before the High Tribunal. However we did not make any statements concerning the point of the prosecution which states that the preparatory work on re-armament of the Air was done in such a way that it could be created,and that it was possible

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to create an airforce within one year which was able to smash the opposition on the continent. Was there such a goal when the airforce was re-armed?

A There was no such goal and it would have been impossible to attain. I believe that I can answer that in one conclusive sentence, when I quote from the Air Corps General in congress that he said it took ten years for the German Airforce to be built up. I just want to point out there is for the construction engineers and technicians to approve the construction which is necessary to take several years in orderto build factories,and to build all the models and so on.

MR MCILWRAITH: I don't think you need waste time on the models.

THE WITNESS: Actually, the re-armament was not finished in 1939.

BY DR LATERNSER:

Q Was the air corps prepared for the movements?

A The air corps was not prepared when the Polish campaign started, andeven parts of the western campaign for the war of movement. Until 1939 we were forbidden to build any important air ports,which were the basic necessity for such a war movement east ofthe Oder, and in 1940 the Western offensive had to be delayed several months because there were no large air ports available within the need of same. We also did not have any valued motorized units, such as the communication troops, or the headquarter troops, also motorized medical units were not available at all times. In other words, the war of 1939-40 was a war of improvisions and not a prepared war.

Q And did membersof the air corps participate with general staff approval in the maneuvers of the airforce?

A Those men designated by the OKW,having been of the Army and the Navy

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did participate in these events.

Q What were the goals of the general staff approvals to the maneuvers of the airforce before the war?

A These maneuvers in 1934 with the general staff approval, in 1935- 1936 and 1937, which were the last ones, was for the purpose of trying out the then unsolved tactical problem of matters of replacement, and reinforcement, which at that time had not been solved, and which were based on future re-armament or rebuilding of the air corps. There were no general staff troubles in those years as the Army would have.

Q The air corps was organized in 1935. What was the personnel within this organization, and I mean by that, the higher leadership positions, and how they were filled?

A Officers of the Army and the Navy were transferred to the air corps. I just want to give a personal example. I had asked Colonel General Hammerstein I did not want to be transferred to the air corps, and he told me quite clearly I was a soldier and had to carry out what he ordered. The army turned orhanded over to the air corps a group of middle aged high officers, and in addition to that between six and ten retired army officers who were reactivated, and given to the air corps. In 1937 these old generals who were to remain in the air corps in this reorganization were released in 1937, since they could not be of any use any more to the Army air corps. The group from the middle age was in the meantime the leadership of the air corps after removal of these older officers. The same was true in the commando groups of offices, where the old first world war flyers worked together with their younger staff officers, who did not have the experience of air corps work at that time.

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1938 and 1945?

A A total of eighteen.

Q Was there a constant change within this group?

A In 1938 there were five such group members,and in '45 there was only one left,and he was already in a danger position,that is, with Reichmarshal Goering. Within a period of seven years five chiefs of the general staff were used up, if one does not consider the four actualities, and the two general offices that were not considered suitable for commanding of troops, then one can say quite easily/high a average was present in the termination of these offices. I also may add up five officers who were made available for use by the Army starting with 1942.

Q Field Marshal, I am now going over to the important political happenings. I shall ask you now concerning very important political events,andI would like youto answer me,and tell me in your answer what position you had at that time, how and when you heard of it,and if you had participated at all in bringing about such a situation;first, the leaving ofthe League of Nations.

A Retired officers, the commodore of the air corps in the c ommission for the air corps. I heard it through the press and the radio.

Q The announcement of the "Armed Sovereignty."?

A I had the same position as I mentioned before,andwe were informed of the new announced "armed sovereignty" through the Reich Marshal and through the press.

Q Were you in any way connected with this brining back of the "armed sovereignty"?

A I would answer this question, Iwas told of this "armed sovereignty"

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at the same time that it happened.

Q Do you know that on 5 November 1937, there was a discussion between Hitler and the commander in chiefs of the branches of the armed force, and Hitler in that discussion gave his future plans?

A I did not hear of anything at that time concerning this discussion directly, or knowing directly but through the Reichmarshal I only heard about him.

Q What do you know previously of that?

A I was commanding general in Dresden, and I only heard of it through the radio.

Q What were the circumstances during the solution of the Sudeten question?

A We wer of the opinion and I can say the same thing later, the Czech question was considered itself as a political action, and we considered a successful result of this action as being unnecessary, since there would have been no way, or no other means of settling this question. We were told that it was administrative, in which also my unit, which I commanded, entrusted its use, that is, against the Sudeten line.

Q How long before the march did you hear of this intention?

A I can not say the date, but I believe it was late in the summer, either August or September.

Q What was your participation in the solution of the question concerning the Czech-Slovakia problem?

A I at that time was chief of the air field No. 1, therefore, at the front towards Czech-Slovakia from the north. My surprise was very much since we had been told that a short time before we could now look towards a long period of peaceful work, and the atual measure was only that we were informed a very short time before that actual march, we were told it was

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purely a demonstration, since it was possible the discussion with Hacha was successful.

MR MCILWRAITH: May I ask what he means by"general staff" that he is using here?

DR. LATERNSNER: I wish the witness would answer this question.

MR. MCILWRAITH: You keep saying that we learn at a certain time,and that we ask. Whom does he mean by "we" asked?

THE WITNESS: In this case I mean myself and my staff.

MR. MCILWRAITH: He must remember he is giving events for the general staffs who are accused in these crime. Therefore, what he personally knew is controlled under Rule VI of the order, but what the general staff knew is what we want to know about.

THE WITNESS: I am a representative of the gener l staff.

MR MCILWRAITH: Yes, if his knowledge is knowledge of the general staff,that is all right, so long as he says so.

THE WITNESS: I am speaking as a representative of the general staff, of that group, as com ander at that time of the air forces.

MR. MCILWRAITH: Yes,and what he asked is about his general staff.

THE WITNESS: I knew that. The other air fleets which were not connected with this movement, or this action, did not know anything about this movement.

MR. MC ILWRAITH: All right, Doctor.

BY DR. LATERNSNER:

Q It was the members of the general staff that had to have the information, since the general staff as such could not have had the knowledge of the general staff. That was a knowledge of the individual members and

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their groups?

MR MCILWRAITH: But I am referring to Rule 63B of the order of the 13th of March, which is this: That any event is not considered to be relative in this proceeding which bears only the fact whether a particular individual was or was not ignorant of criminal purposes, and innocent of criminal activities. There it is.

DR LATERNSNER: Mr Commissioner, I have answered this question already. You can not question an organization, you can not ask an organization, but you have to ask the individual members. The defense maintains that there was no such organization, but if there was you would have to ask the individual members of their own knowledge.

MR MCILWRAITH: Well, I have the right to know of that, and you know what value the Tribinal will attach to a witness evidence if he was intended as a person who had this knowledge.

BY DR. LATERNSNER:

Q When did you hear of the first intentions to attack Poland?

A I was present at a discussion in Salzberg, where the possibility of a prosecution of combat was discussed. Even on the night of 25th or 26th, when we were recalled, we were certain that the political discussion could retain a peace. I also knew in the night when first we received an order that we had to be at any time ready to speed our troops, and I also knew the position taken by the Reichmarshal, and I was very surprised when I did not hear any recall in our forces.

Q How did you hear of the occupation of Norway and Denmark?

A I was in the west, and heard of it through the radio and the press.

9 Q And what position did you have at that time?

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A I just shortly before that I was made the Chief of the Airfleet two.

Q How did you hear ofthe occupation of Yugoslovakia and Greece?

A In the same manner. At the time I was aid to Sperrle.

Q When did you hear of the first intentions to attack the Soviet Union?

A In the Spring 1941,the Secretary of Staff from my group was commodore, and the commander in chief of the air forces. Of the actual combat, I only heard during the announcement which was given by the Fuehrer from over Salzberg.

Q Did youknow of the intent, verbally , that Hitler was to use the aisle of the Atlantic for possible agression - or aggressive war against the Americas?

A No, I only read about that from the statement of the prosecutor, Justice Jackson. I was merely interested in the manner in which the request was worded. It started out that the Fuehrer as concerned with the question. In other words, that long general staff of leading officers, or offices had told the idea about Hitler, just as that idea was one of the many points that was under discussion at the time. It is a duty of very high leaders to think of events. Now, for instance, the ship traffic to Europe, and to England could be cut down more.

Q You were in favor of an invasion of England? When did you hear first of that question?

A I concerned myself with this question during the time, or during the days which occurred the matters with England and was purely a military matter.

Q What was the opinion or attitude of other generals concerning this question?

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A I don't know anything what the other leaders were thinging, since I only discussed them with the Reichmarshal,and with the Chief of staff of the airforce,but I do think that the air commander left me of the same opinion, that is, [redacted] SS Fuehrer Rodhe,that he was of the same opinion as I.

Q According to the prosecttion there was supposed to have been an agreement among the military leaders to carry out this war against the rules and regulations of warfare,and against the rights of humanity. Was there ever such a plan?

A There was never any such plan that was in direct opposition of the education of the German officer.

DR. KEMPNER: Mr Commissioner, these questions were asked on page 8539 in our record.

DR. LATERNSNER: That question is very important for the defense that I am forced to ask of every witness; it is the same question concerning the attitude, and for information, and if the answers which have been given up to now are considered to be truthful and certified to be truthful then I am ready to cease any such questioning.

MR. MCILWRAITH: Yes,but Dr Laternsner, Dr. Kempner infers it is not a different question to this same witness, which is on page 8539, which says,"Were there ever made suggestion by members of this group to deviate from international law".

DR. LATERNSNER: Then I'll have to agree with the objection of the prosecutor.

MR. MCILWRAITH: Continue.

BY DR. LATERNSNER:

Q Field Marshal, what do you think of the soldiers oath?

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A I believe that the soldiers oath is the highest human declaration sofar as the moral background is concerned and that is held by his religion. Every soldier knows that in combat and that during combat there are times when everything around him is shaking and seems to break into pieces. This sense of duty, this "I must" which is given through the soldiers oath is the thing that holds him back,and gives him back his own self. I consider this oath as a core of all soldiership. Iwant to compare that with the person that is drawning who wants his life, and a lifesaver's belt was thrown to him, he grabs it,and works himself up on this thing and saves himself. I want to point out that the oath is to carry out this superior duty just in the moment of conflict. That also concerns the heart throbs, and the mental reaction in the conflicts of the soldier. That among other things the soldiers oath concerns itself only with one point,and that one point is obedience. If the soldiers oath which is given before God, if that oath is considered a manufactured object, then this oath should not be sworn to,and soldiers shipped as such should not be allowed to carry on. Iwant to allude once more to the oath as the rope on which the person holds himself in moments of danger.

Q Were you often with Hitler?

A Often is too much. In the last few periods just several times. In other words, ever since I became Commander in chief West.

Q Was there any possibility of change in Hitler's mind to deviate him from the plan that he already made?

A I want to repeat now what Isaid very often, that it is easier to run through a concrete wall your head than to change a plan of Hitler's.

Q Some material leaders who were close to him were supposed to have

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great influence on him. Can you tell from your own experience what influence you had on him?

A May I ask a question? You mean those high leaders, or persons who were close to him?

Q Both?

A There were without a doubt some high leaders who came closer to him. They had some military advantages, but as I stated that several times they were only figures with whom the hand of Hitler played. As I have stated before, personally it was impossible to change a plan of Hitler's. I tried anyhow to come close to him, in some cases to influence him. The main necessity for an establishment of oneself with the Fuehrer, it was necessary that one did not appear to him as a constant "no better," and a constant critic, and only concern himself with his own details. With the exception of some military matters which gave me certain additional chances to ask on different matters, here are a few cases in which I protested, and he either carried out my protests, or eliminated what was not accepted by him any more. Hitler wanted to carry out preventive measures against the Italian Army, and against the Italian war family, and when I heard of the thoughts of leaving Germany I opposed that very much, and did carry out a few, but a few just went to a disgrace. I was close again when the almost impossible job of bringing my divisions out of Italy succeeded. I also opposed the evacuation of Rome, and thereby saved 100,000 people from untold misery. I also released the Italian Division of Southern Italy, and in Rome, and thereby made it possible for ten of thousands to return home.

MR. MCILWRAITH: We are getting far afield away from the accusation against the general staff as to committing crimes, are we not.

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DR. LATERNSNER: The statements of the witness are in answer to my question as to whether or not it was possible to give any influence upon the military plans of Hitler.

MR. MCILWRAITH: I quite agree but he has gone off that point for the last ten minutes.

DR LATERNSNER: There is an accusation that the war evidently was carried out against the rules of warfare, or civil warfare, and by showing, for instance, by this witness that he did not want to evacuation of Rome , and thereby he maintains in the loss of warfare that these orders were not carried out, or, rather that the general staff admitted he carried out this war according to the rules and regulations of warfare.

MR. MCILWRAITH: Very well,I am trying to help you to keep him within the point.

DR. LATERNSNER: The SS Fuehrer in a signed affidavit setforth the unified action by some field officers would have shown results towards Hitler. I don't want to ask this question. Mr Commissioner. I just have finished an article in that sector, and I wish we would continue tomorrow morning.

MR MCILWRAITH: Very well, how long a time do you expect to take tomorrow morning.

DR LATERNSNER: I will probably be finished at recess.

MR. MCILWRAITH: It will be an hour and a half.

DR LATERNSNER: Yes, Iam sure that I will be fijished by then.

9 DR KEMPNER: We understand the rules of court wherein three hours are devoted to this examination of the direct and cross examination, and this would mean just six hours examination, and I am sure there are

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still several points which can be cut down.

MR MCILWRAITH: The idea is what you have said, three hours for the whole examination. Up to this time you have had one hour and forty minutes today. If it is not less than an hour and a half tomorrow, he would have had about three hours together. It is within the discretion of the Commissioner to allow more than three hours for the whole period. I personally feel satisfied that what you term as finishing, that you will finish with this witness within the period of three hours. We will now adjourn.

(The Commission adjourned until 3 July 1946 at 1000 hours)

I foregoing is a true & correct transcript of the testimony of Field Marshal Kesselring taken on 2 July 1946

Meehan
Gallagher

Mr. McIlwraith.

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 July 1946.

COMMISSIONER:

Mr. McIlwraith

THE GENERAL STAFF

(THE COMMISSION CONVENED AT 1500 HOURS)

FIELD MARSHALL ALBERT KESSELRING, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q. Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q. What is your name?

A. Albert Kesselring.

Q. You may sit down.

DR. LATERNSER, General Staff of the OKW.: I want to ask the witness, Field Marshall Kesselring, concerning the following:

(1) Duties, goals and position of the military leaders.

(2) Rearmament of the Air Corps.

(3) No unified plan to participate in criminal action and no participation in any criminal action according to Article 6 of the statutes, and

(4) No Criminal actions.

MR. MCILWRAITH: Dr. Laternser, you understand that you may not cover any ground that has been convered by the Tribunal?

DR. LATERNSER: Certainly, yes. Inasmuch as some of these answers must be supplimented, I must ask certain questions and that is the main reason for this Commission.

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MR. MCILWRAITH: The commission is not to be used to suppliment answers given to the Tribunal. This commission is to be used to bring out evidence on points not raised before the Tribunal. You understand that?

DR. LATERNSER: Certainly, I understand, however, there has to be a difference for inasmuch as the last time the witness was questioned as a witness, now he is questioned as a member of one of the criminal organizations.

MR. MCILWRAITH: He is still a witness.

DR. KEMPNER: May I say that he was also cross examined by Dr. Laternser as a member of this organization, according to the record?

MR. MCILWRAITH: Let us continue and I will stop you if you ask question on any matters that have been covered by the Tribunal.

BY DR. LATERNSER:

Q. Field Marshall, when were you born?

A. November 30, 1885.

Q. What important positions did you hold in the German Army?

A. I was troop commander 1-A in the General Staff on the staff of the chief of the army leadership within the air administration. I was chief of the General Staff of the Air Corps; Commanding General of the Air Corps; Chief of Air Fleets 1 and 2; Commander-in-Chief - Southwest; Commanding-in-Chief - West and Commander-in-Chief.

Q. For several years you were associated with General Von Seckt?

A. As 1-A of the Chief of Staff.

Q. What was the attitude of General Von Seckt to the Versailles treaty?

A. He opposed the heavy burdens placed upon Germany by this treaty, however, he saw to it that the agreements of this treaty were carried out by his units. It may be that General Von Seckt did ask for some measures to be carried out by the Government which might have exceeded the limitations of th Versailles treaty. The measures were an absolute necessity insofar as the defense of the country was concerned and they were agreed upon by the Government as necessary due to the fact that the enemy nations had not carried out all the provisions of the Versailles Treaty.

DR. KEMPNER: This has been covered by the court, later by Generals Von

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Rundstedt, Rhinehart and Von Leib. I regard it as culmative.

MR. MCILWRAITH: I think so too Dr. Laternser as no new points are being brought out.

BY DR. LATERNSER:

Q. Did the army through the Air Corps, the representative of which you are here, go over the limitations and agreements of the Versailles Treaty.

A. In certain points, yes.

MR. MCILWRAITH: I meant for you to leave the Versailles Treaty, as that has been covered.

DR. LATERNSER: I am sorry I cannot agree to this objection. The previous witnesses were asked from the point of view of the army as they were army leaders, but this witness will be asked concerning the rearmament of the Air Corps and whether this rearmament was against the agreements of the Versailles Treaty. This objection has been raised by the prosecution and therefore I should have the privilege to give my point of view concerning thi objection and this is the very last chance. However, I will be very glad to cease questioning on this point if the prosecution will state that it will no use this matter and will not have these accusations brought up.

MR. MCILWRAITH: Of course, the prosecution will not do that. My point that the matter which you are bringing up in this commission has already been covered. I am willing to share any arguments you may have to the contrary.

DR. LATERNSER: In other words, may I continue on this thought?

MR. MCILWRAITH: You have told me that you disagreed that it was not covered and I would like to know if the prosecution will agree with your disagreement.

DR. KEMPNER: I think this field was covered at various times and it might be that there are some points that are still missing, but the prosecution is only interested in the new points and not in a repetition of the old points. That is all I ask.

BY DR. LATERNSER:

Q. Please answer my question.

A. In 1923-24 the air force was attached to the troop office and the

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weapon office and it was a technical branch of the weapons office. There were theories studied, some construction was made and some people were trained as pilots. These duties were carried out within the country as well as in foreign countries.

Q. You spoke just now of foreign countries, what countries?

A. For instance, even though there was opposition, we worked together w the Russians insofar as air matters were concerned. That was done in Lippe. There were some pieces constructed in Lipps and some planes which were bought in foreign countries were stocked there and were used to train some of our young men in the art of flying.

Q. In 1930 the first mobilization or preparatory work was done. What kind of measures were they insofar as the air corps was concerned.

A. The idea is wrong. At that time there was no air corps, there were only very old anti-aircraft battalions available, which were not suffifient for the three ton increase of the divisions. There were no plans whatsoever available even though they could be used for reconnaisance work.

Q. The prosecution claims that the change of the army to a people's army was one of the first preparatory steps in an aggressive idea. What do you say about that?

A. This professional army, which was created due to the Versailles Treaty, was strange to the German people. We, the soldiers, attempted to get everything we could out of the Reichsfuehrer. We found out, especially through the investigation of General Seekt, that neither the personnel nor the material available within the Reich was sufficient for even the smallest necessity. We also found out that it could not take care of the situation until the League of Nations could participate in the matter. Due to the fact that the Versailles Treaty prohibited the forming of a reserve troop, it was not possible to have the necessary reserve in the Reich. The transformation of a professional army to a people's army was justified for that reason in my opinion.

DR. LATERNSER: For a very short time it is nevessary that I be down stairs in the main section.

MR. MCILWRAITH: We will have a recess for ten minutes.

(THE COMMISSION RECESSED AT 1530 HOURS.)

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Q. Did you answer the previous question ?

A. I just want to finish it. None of thesoldiers saw in this transforma people armed as a step towards an aggressive war, but rather we saw in it a step towards equality of the German Reich t the other nations. Of course, since we were professional officers with a tradition, we did like this ste very much.

DR. KEMPNER: Mr. Commissioner, this is a perfect example of the thin I objected against very strongly, and he does it again. Literally, word fo word from the witness like similar testimony, why was it with this army, an this army, and what its feeling was, and it is not along the standpoint of testimony, but they are purely political statements, that is all.

DR. LATERNSER: The witness has already finished with this question. In the speech of the prosecution by Justice Jackson among other things mentioned was the National Socialistic air corps, or the flyers corps, in whic he was a party or organization which trained men in their using of weapons, and which did not wear its name without justification.

BY DR. LATERNSER:

Q. Now I wish that you would made a short statement as to whether this is correct, or not ?

A. First of all a National Socialistic Flyer Corps was not a party organi zation, but according to its charter it was an association according to the public right. Thisassociation was under the direct jurisdiction of the Chie of the Civil Office of the air force, and under the direct jurisdiction of t Reichs Ministry of Air, and I am quite sure we can shorten my answers by saying that any foreign flyers that ever participated in any flying events in Germany can testify that all sports were carried out in its place properl Besides these glider flyers, some were also interested in the construction these model planes, and a few already particpated in actual pilot training the training of pilots which, however, was considered at that time a connection between nations. One of the biggest members supported this flying construction and was the Aero organization, which agreed that it was a conne tion point between nations, and that was proven to me by the various militar

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attachees there of the foreign nations, which aided very much whenever I talked to them. I want to repeat that the members of the National Socialistic flyer groups was not trained in a military sense, and they were not trained by any of us.

Q. One further point of the prosecution is that the general staff as it has been designated by the Allies, was the leading authority within Germany and that it had a great deal of interest upon the people, in fact, that it moved the people. Is that correct ?

A. I as a non-member of the general staff do want to point out the work done by the general offices, that is quietly done in work tasks or maneuver fields away from the public eye; I don't know of any time when the old leaders and general staff officers had any authority out-side of the Army, However, it is true that we were regarded highly by the people there.

MR. MCILLWRAITH: Doctor, at this time this is very like the examinatio which you made of the witness before the Tribunal, which is recorded on page 5736 and the following pages in the British transcript.

DR. LATERNSER: Mr. Commissioner, I know I have never asked this questi of any witness, so far as I remember.

MR. MCILLWRAITH: It is exactly the question you asked of which I have before me, but continue.

BY DR. LATERNSER:

Q. Continue ?

A. The quiet work done by these staff officers in opposition to the statements of the prosecution, and the general staff knew officers could not have any special interest in a country where the current leaders are very popular, especially in the Third Reich when the propaganda was in the hands of the Party. This was noted in foreign countries where the leading form of personnel was very infrequently mentioned in the press and on the radio. It is somethi that surprised the foreign nations, and that that should be the best proof to the contrary. I want also to state that the general staff in the last 150 years, ever since Schamhorst has only worked on the soldiers for the purpose of qualifying the soldier, and only on this point has it made that

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a qualification. Through the specialization within our own work we became more or less technicians in our duties, or for our work. We members of the general staff were proud that we became technicians of our occupation. I am sure that is the same way in all other nations as to the difference between a soldier and a politician, and as great a difference as between fire and water, and that old statement, that a sldier is not a soldier any more when he starts concerning himself with politics.

Q. You are ready to make a statement, or statements, concerning the kind of re-armament within the air force before the High Tribunal. However, we did not make any statements concerning the point of the prosecution which states that the preparatory work on re-armament of the Air was done in such a way that it could be created and that it was possible to create an airforce within one year which was able to smash the opposition on the continent. Was there such a goal when the air force was re-armed ?

A. There was no such goal and it would have been impossible to attain. I believe that I can answer that in one conclusive sentence, when I quote from the Air Corps General in congress that he said it took ten years for the German Airforce to be built up. I just want to point out there is for the construction which is necessary to take several years in order to build factories, and to build all the models and so on.

MR. MCILLWRAITH: I don't think you need waste time on the models.

THE WITNESS: Actually, the re-armament was not finished in 1939.

BY DR. LATERNSER:

Q. Was the air corps prepared for the movements ?

A. The air corps was not prepared when the Polish campaign started, and even parts of the western campaign for the war of movement. Until 1939 we were forbidden to build any important air ports, which were the basic necessity for such a war movement east of the Oder, and in 1940 the Western offensive had to be delayed several months because there were no large air ports available within the need of same. We also did not have any valued motorized units, such as the communication troops, or the headquarter troops,

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also motorized medical units were not available at all times. In other words the war of 1939-1940 was a war of improvisions and not a prepared war.

Q. And did members of the air corps participate with general staff approval in the maneuvers of the airforce ?

A. Those men designated by the OKW, having been of the Army and the Navy did participate in these events.

Q. What were the goals of the general staff approvals to the maneuvers of the airforce before the war ?

A. These maneuvers in 1934, with the general staff approval, in 1935-1936 and 1937, which were the last ones, was for the purpose of trying out the then unsolved tactical problem of matters of replacement, and reinforcement, which at that time had not been solved, and which were based on future re-armament or rebuilding of the air corps. There were no general staff troubles in those years as the Army would have.

Q. The air corps was organized in 1935. What was the personnel within this organization, and I mean by that, the higher leadership positions, and how they were filled ?

A. Officers of the Army and the Navy were transferred to the air corpsl I just want to give a personal example. I had asked Colonel General Hammerstein I did not want to be transferred to the air corps, and he told me quit clearly I was a soldier and had to carry out what he ordered. The army truend or handed over to the air corps a group of middle aged high officers and in addition to that between six and ten retired army officers who were reactivated and given to the air corps. In 1937 these old generals who were to remain in the air corps in this reorganization were released in 1937, sir they could not be of any use any more to the Army air corps. The group from the middle age was in the meantime the leadership of the air corps after removal of these older officers. The same was true in the commando groups of offices, where the old first world war flyers worked together with their younger staff officers, who did not have the experience of air corps work at that time.

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1938 and 1945?

A A total of eighteen.

Q Was there a constant change within this group?

A In 1938 there were five such group members, and in '45 there was only one left, and he was already in a darker position, that is, with Reichsmarshal Goering. Within a period of seven years five chiefs of the general staff were used up, if one does not consider the four actualities, and the two general offices that were not considered suitable for commanding of troops, then one can say quite easily a high average was present in the termination of these offices. I also may add up five officers who were made available for use by the Army starting with 1942.

Q Field Marshal, I am now going over to the important political happenings. I shall ask you now concerning very important political events, and I would like you to answer me, and tell me in your answer what position you had at that time, how and when you heard of it, and if you had participated at all in bringing about such a situation; first, the leaving of the League of Nations.

A Retired officers, the commodore of the air corps in the commission for the air corps. I heard it through the press and the radio.

Q The announcement of the "Armed Sovereignty."?

A I had the same position as I mentioned before, and we were informed of the new announced "armed sovereignty" through the Reich Marshal and through the press.

Q Were you in any way connected with this bringing back of the "armed sovereignty"?

A I would answer this question, I was told of this "armed sovereignty" at the same time that it happened.

Q Do you know that on 5 November 1937, there was a discussion between Hitler and the commander in chiefs of the branches of the armed forces, and Hitler in that discussion gave his future plans?

A I did not hear of anything at that time concerning this discussion directly, or knowing directly but through the Reichsmarshal I only heard about him.

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Q What do you know previously of that?

A I was commanding general in Dresden, and I only heard of it through the radio.

Q What were the circumstances during the solution of the Sudeten question?

A We were of the opinion and I can say the same thing later, the Czech question was considered itself as a political action, and we considered a successful result of this action as being unnecessary, since there would have been no way, or no other means of settling this question. We were told that it was administrative, in which also my unit, which I commanded, entrusted its use, that is, against the Sudeten line.

Q How long before the march did you hear of this intention?

A I can not say the date, but I believe it was later in the summer, either August or September.

Q What was your participation in the solution of the question concerning the Czech-Slovakia problem?

A I at that time was chief of the air field No. 1, therefore, at the front towards Czech-Slovakia from the north. My surprise was very much since we had been told that a short time before we could now look towards a long period of peaceful work, and the actual measure was only that we were informed a very short time before that actual march, we were told it was purely a demonstration, since it was possible the discussion with Hacha was successful.

DR. McILWRAITH: May I ask what he means by "general staff" that he is using here?

DR. LATERNSER: I wish the witness would answer this question.

DR. McILWRAITH: You keep saying that we learn at a certain time, and that we ask. Whom does he mean by "we" asked?

THE WITNESS: In this case I mean myself and my staff.

DR. McILWRAITH: He must remember he is giving events for the general staffs who are accused in these crimes. Therefore, what he personally knew is controlled under Rule VI of the order, but what the general staff knew is what we want to know about.

THE WITNESS: I am a representative of the general staff.

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MR. McILWRAITH: Yes, if his knowledge is the knowledge of the general staff, that is all right, so long as he says so.

THE WITNESS: I am speaking as a representative of the general staff, of that group, as commander at that time of the air forces.

MR. McILWRAITH: Yes, and what he asked is about his general staff.

THE WITNESS: I know that. The other air fleets which were not connected with this movement, or this action, did not know anything about this movement.

MR. McILWRAITH: All right, Doctor.

BY DR. LATERNSER:

Q It was the members of the general staff that had to have the information, since the general staff as such could not have had the knowledge of the general staff. That was a knowledge of the individual members and their groups?

MR. McILWRAITH: But I am referring to Rule 63B of the order of the 13th of March, which is this: That any event is not considered to be relative in this proceeding which bears only the fact whether a particular individual was or was not ignorant of criminal purposes, and innocent of criminal activities. There it is.

DR. LATERNSER: Mr. Commissioner, I have answered this question already. You can not question an organization, you can not ask an organization, but you have to ask the individual members. The defense maintains that there was no such organization, but if there was you would have to ask the individual members of their own knowledge.

MR. McILWRAITH: Well, I have the right to know of that, and you know what value the Tribunal will attach to a witness evidence if he was intended as a person who had this knowledge.

BY DR. LATERNSER:

Q When did you hear of the first intentions to attack Poland?

A I was present at a discussion in Salzburg, where the possibility of a prosecution of combat was discussed. Even on the night of 25th or 26th, when we were recalled, we were certain that the political discussion could retain a peace. I also knew in the night when we first received an order that we had to

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be at any time ready to speed our troops, and I also knew the position taken by the Reichsmarshal, and I was very surprised when I did not hear any recall in our forces.

Q How did you hear of the occupation of Norway and Denmark?

A I wasin the west, and heard of it through the radio and the press.

Q And what position did you have at that time?

A I just shortly before that I was made the Chief of the Airfleet two.

Q How did you hear of the occupation of Yugoslavia and Greece?

A In the same manner. At the time I was aide to Sperrle.

Q When did you hear of the first intentions to attack the Soviet Union?

A In the Spring 1941, the Secretary of Staff from my group was commodore, and the commander in chief of the air forces. Of the actual combat, I only heard during the announcement which was given by the Fuehrer from over Salzberg.

Q Did you know of the intent, verbally, that Hitler was to use the aisle of the Atlantic for possible aggression -- or aggressive war against the Americas?

A No, I only read about that from the statement of the prosecutor, Justice Jackson. I was merely interested in the manner in which the request was worded. It started out that the Fuehrer was concerned with the question. In other words, that long general staff of leading officers, or offices had told the idea about Hitler, just as that idea was one of the many points that was under discussion at the time. It is a duty of very high leaders to think of events. Now, for instance, the ship traffic to Europe, and to England could be cut down more.

Q You were in favor of an invasion of England? When did you hear first of that question?

A I concerned myself with this question during the time, or during the days which occurred the matters with England and was purely a military matter.

Q What was the opinion or attitude of other generals concerning this question?

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A. I don't know anything what the other leaders were thinking, since I only discussed them with the Reichsmarshal, and with the Chief of Staff of the airforce, but I do think that the air commander left me of the same opinion, that is, SS Fuehrer Rodhe, that he was of the same opinion as I.

Q. According to the prosecution there was supposed to have been an agreement among the military leaders to carry out this war against the rules and regulations of warfare, and against the rights of humanity. Was there ever such a plan?

A. There was never any such plan that was in direct opposition of the education of the German officer.

DR. KEMPNER: Mr. Commissioner, these questions were asked on page 8539 in our record.

DR. LATERNSER: That question is very important for the defense that I am forced to ask of every withess; it is the same question concerning the attitude, and for information, and if the answers which have been given up to now are considered to be truthful and certified to be truthful then I am ready to cease any such questioning.

MR. MCILWRAITH; Yes, but Dr. Laternser, Dr. Kempner infers it is not a different question to this same witness, which is on page 8539, which says, "Were there ever made suggestions by members of this group to deviate from international law".

DR. LATERNSER: Then I'll have to agree with the objection of the prosecutor.

MR. MCILWRAITH: Continue.

BY DR. LATERNSER:

Q. Field Marshal, what do you think of the soldiers oath?

A. I believe that the soldiers oath is the highest human declaration, insofar as the moral background is concerned and that is held by his religion. Every soldier knows that in combat and that during combat there are times when everything around his is shaking and seems to break into pieces. This sense of duty, this "I must" which is given through the soldiers oath is the thing that holds him back, and gives him back his own self. I consider this oath as a cor

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of all soldiership. I want to compare that with the person that is drowning who wants his life, and a lifesaver's belt was thrown to him, he grabs it, and works himself up on this thing and saves himself. I want to point out tha the oath is to carry out this superior duty just in the moment of conflict. Th t also concerns the heart throbs, and the mental reaction in the conflicts of the soldier. That among other things the soldiers oath concerns itself only with one point, and that one point is obedience. If the soldiers oath which is given before God, if that oath is considered a manufactured object, then this oath should not be sworn to, and soldiers shipped as such should not be allowed to carry on. I want to allude once more to the oath as the rope on which the person holds himself in moments of danger.

Q. Were you often with Hitler?

A. Often to too much. In the last few periods just several times. In other words, ever since I became Commander-in-Chief West.

Q. Was there any possibility of change in Hitler's mind to deviate him from the plan that he already made?

A. I want to repeat now what I said very often, that it is easier to run through a concrete wall your head than to change a plan of Hitler's.

Q. Some material leaders who were close to him were supposed to have

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great influence on him. Can you tell from your own experience what influence you had on him?

A May I ask a question? Yuo mean those high leaders, or persons who were close to him?

Q Both?

A There were without a doubt some high leaders who came closer to him. They had some military advantages, but as I stated that several times they were only figures with whom the hand of Hitler played. As I have stated before, personally it was impossible to change a plan of Hitler's, I tried anyhow to come close to him, in some cases to influence him. The main necessity for an establisment of oneself with the Fuehrer, it was necessary that one did not appear to him as a constant "no better," and a constant critic, and only concern himself with his own details. With the exception of some military matters which gave me certain additional chances to ask on different matters, here are a few cases in which I protested, and he either carried out my protests, or eliminated what was not accepted by him any more. Hitler wanted to carry out preventative measures against the Italian Army. and against the Italian war family, and when I heard of the thoughts of leaving Germany I opposed that very much, and did carry out a few, but a few just went to a disgrace. I was close again when the almost impossible job of bringing my divisions out of Italy succeeded. I also opposed the evacuation of Rome, and thereby saved 100,000 people from untold misery. I also released the Italian Division of Southern Italy, and in Rome, and thereby made it possible for tens of thousands to return home.

MR. MCILWRAITH: We are getting away from the accusation against the general staff as to committing crimes, are we not?

DR. LATERNSER: The statements of the witness are in answer to my question as to whether or not it was possible to give any influence upon the military plans of Hitler.

MR MCILWRAITH: I quite agree but he has gone off that point for the last ten minutes.

DR LATERNSNER: There is an accusation that the war evidently was carried out against the rules of warfare, or civil warfare, and by showing, for instance, by this witness that he did not want the evacuation of Rome, and thereby he maintains in the loss of warfare that these orders were not carried out, or, rather that the

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general staff admitted he carried out this war according to the rules and regulations of warfare.

MR MCILWRAITH: Very well, I am trying to help you to keep him within the point.

DR. LATERNSNER: The SS Fuehrer in a singned affidavit set forth the unified action by some field officers would have shown results towards Hitler. I don't want to asl this question. Mr. Commissioner. I just have finished an article in that sector, and I wish we would continue tomorrow morning.

MR MCILWRATIH: Very well, how long a time do you expect to take tomorrow morning?

DR. LATERNSNER: I will probably be finished at recess.

MR MCILWRAIT: It will be an hour and a half.

DR. LATERNSNER: Yes, I am sure that I will be finished by then.

DR. KEMPNER: We understand the rules of court wherein three hours are devoted to this examination of the direct and cross examination, and this would mean just six hours examination, and I am sure there are still several points which can be cut down.

MR MACILWRAITH: The idea is what you have said, three hours for the whole exmaination. Up to this time you have had one hour and forty minutes today. If it is not less than an hour and a half tomorrow, he would have had about three hours together. It is within the discretion of the Commissioner to allow more tha three hours for the whole period, I personally feel satisfied that what you term as finishing, that you will finish this witness within the period of three hours. We will now adjourn.

(The Commission adjourned until 3 July 1946 at 1000 hours)

The foregoing is a true and correct transcript of the testimony of Field Marshal Kesselring. taken on 2nd of July 1946

Reporters Meeham
Gallagher

Commissioner Mr. McIlwraith